

REMARKS

1. Status of the Claims

The Office Action indicates that the amendment filed November 8, 2005, amending claims 82-93, has been entered. Applicants point out that Applicants also amended claims 96 and 97. Applicants respectfully request confirmation that the amendments to claims 96 and 97 also have been entered with the Office's next reply. Claims 54-97 stand pending.

2. Status of the Drawings

Applicants note that the drawings filed on July 26, 2001, have been indicated by the Office to be accepted.

3. Sequence Listing and Objection to the Sequence Listing

The Office indicated the Sequence Listing and the computer readable form (CRF) copy filed July 5, 2005 has been entered.

The Sequence Listing filed July 5, 2005, stands objected to under 35 U.S.C. § 132(a), because allegedly it introduces new matter in to the disclosure. On page 5 of the Office Action, the Office states that "the Sequence Listing filed July 5, 2005 contains sequences that are amended compared with the previous version of the Sequence Listing. For example, SEQ ID NO: 20 differs from SEQ ID NO:20 in the previous Sequence Listing filed June 7, 2002 by a single substitution E81D."

Applicants submit herewith a Substitute Sequence Listing, which returns the residue at position 81 of SEQ ID NO:20 to glutamic acid (GLU, E). Additionally, Applicants have amended the specification to refer to various sequence identifiers. Applicants also submit herewith a paper copy of the substitute Sequence Listing, a computer readable form (CRF) copy of the substitute Sequence Listing, and the requisite Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825.

With the foregoing amendments to the specification and the Sequence Listing, Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application, as amended, is now respectfully requested.

4. Election/Restriction

Applicants had previously elected with traverse the claims associated with Group I (i.e., claims 54-81 and 94-97) with their reply filed November 8, 2005. With that response, Applicants traversed the restriction and election and discussed the different sequences. In view of that response, the Office now requires that one of four sequences identified as species needs to be elected. Namely, Applicants are now required to elect one of SEQ ID NOS: 20, 21, 22, or 23 for search purposes only. The Office has indicated that claims drawn to helper or protective peptides will be examined with the elected fusion protein as needed. Applicants are further requested to indicate protective and helper sequences within the elected fusion protein.

In response, Applicants *provisionally elect* for search purposes only SEQ ID NO: 20. Applicants note for the record that the PCT rules do not support the legal concept of "species" as practiced under Title 37 of the Code of Federal Regulations and associated rules and statutes for restriction practice for applications which are not filed under 35 U.S.C. § 371.

The election reads upon claims 54-83 and claims 90-97. The structure of the fusion protein, GP97ompPR (SEQ ID NO: 20), is depicted in Figure 7. In this figure, amino acids 1-110 comprise the protective peptide. Amino acids 111-123 comprise the helper peptide.

CONCLUSION

In conclusion, this is believed to be in full response to the outstanding restriction requirement. Should any issues remain outstanding or if there are any questions concerning this paper, or the application in general, the Examiner is invited to telephone the undersigned representative at the Examiner's earliest convenience. Should any outstanding fees be owed or overpayments credited, the Commissioner is invited to charge or credit Deposit Account No. 50-0573.

Respectfully submitted,
DRINKER, BIDDLE & REATH LLP

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By: 

Mercedes K. Meyer, Ph.D., Esq.
Registration No. 44,939
1500 K Street, N.W., Suite 1100
Washington, D.C. 20005-1209
T: 202-842-8821
F: 202-842-8465